



PTO/SB/17 (12-04)
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL for FY 2005		Application Number	10/007,207
		Filing Date	November 10, 2001
		First Named Inventor	DAVID T. SHUPING
		Examiner Name	Raymond J. Bayerl
		Art Unit	2173
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	017255-0311962
TOTAL AMOUNT OF PAYMENT		(\$) 250	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: 033975 Deposit Account Name: PILLSBURY WINTHROP SHAW PITTMAN LLP
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments
WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fee Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150 100	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
						Small Entity	
Fee Description						Fee (\$)	Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent						50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
- 20 or HP = _____		X	_____	=	Fee (\$)	Fee Paid (\$)	
HP = highest number of total claims paid for, if greater than 20							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP = _____		X	_____	=			
HP = highest number of independent claims paid for, if greater than 3							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 = _____	/50= _____	(round up to a whole number) x	125.00	=			
4. OTHER FEE(S)							
Non-English Specification, 130 fee (no small entity discount)						Fee Paid (\$)	
Other: Brief in support of appeal						250.00	

SUBMITTED BY		
Signature		Registration No. (Attorney/Agent) 43,195
Name (Print/Type)	Rick A. Toering	Telephone 703.770.7620
		Date January 13, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPELLANTS' BRIEF ON APPEAL
U.S. Application Serial No. 10/007,207
Attorney Docket No. 017255-0311962 (26258-003)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: David T. Shuping *et al.*
SERIAL NO.: 10/007,207
ATTORNEY DOCKET NO: 017255-0311962 (26258-003)
FILING DATE: November 10, 2001
ART UNIT: 2173
EXAMINER: Raymond J. Bayerl
FOR: SYSTEM AND METHOD FOR WEB BROWSING

**Appellants' Brief on Appeal
Under 37 C.F.R. § 41.37**

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

Further to the Notice of Appeal filed on **July 13, 2005**, Appellants submit Appellants' Brief on Appeal pursuant to 37 C.F.R. § 41.37.

The Director is authorized to charge the \$250.00 fee for filing an Appeal Brief pursuant to 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 033975 (**Ref. No. 017255-0311962**).

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required there for (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 017255-0311962**).

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Brief on Appeal

Real Party in Interest - 37 C.F.R. § 41.37(c)(1)(i)

The real party in interest is Browse3D Corporation by virtue of an Assignment executed on 01/23/2002, and recorded on 03/07/2002 at Reel 012658, Frame 0686.

Related Appeals and Interferences - 37 C.F.R. § 41.37(c)(1)(ii)

A related appeal is filed herewith in Application No. 09/985,415.

Status of Claims - 37 C.F.R. §41.37(c)(1)(iii)

Pending: Claims 1-28 and 39-64 are pending.

Cancelled: Claims 29-38 were previously cancelled.

Rejected: Claims 1-11, 14-28, 39-40, 43-45, 47-58 and 61-64 have been rejected.

Allowed: Claims 2, 12-13, 39-42, 46, 53, and 59-60 have been indicated as being allowable over the references relied upon by the Examiner but are rejected under the judicially created doctrine of double patenting.

On Appeal: Claims 1, 3-11, 14-29, 38, 43-45, 47-52, 54-58, and 61-64 are appealed.

Status of Amendments - 37 C.F.R. § 41.37(c)(1)(iv)

An Amendment was submitted on December 27, 2004, and acknowledged by the Examiner in a Final Office Action dated May 25, 2005 (the "Final Action") (although the Amendment is referred to as being filed on March 14, 2005, on which date Applicants actually filed a Response to Notice of Non-Compliant Amendment). The

Application was appealed from the Final Office Action without further amendment to the claims.

Summary of Claimed Subject Matter - 37 C.F.R. § 41.37(c)(1)(v)

Appellants provide the following summaries of the subject matter of each of the independent claims as required. Appellants note that the summaries and exemplary references to the specification and the drawings are provided solely for the benefit of the Board in deciding this Brief on Appeal and are not intended to limit the scope of the claims in any way.

Claim 1

Claim 1 is directed to a method for web browsing. (See *e.g.*, page 4, ¶ 1011, line 1.) In some embodiments of the invention, a web browser 200 receives first web page data associated with a first web page. (See *e.g.*, page 35, ¶ 1107, lines 5-6 and Fig. 4, element 430.) The web page data includes a plurality of references, sometimes referred to as "hyperlinks." Typically, each hyperlink is an embedded URL address to another web page. (See *e.g.*, page 12, ¶ 1042, lines 3-5, Fig. 2, element 240, Fig. 3, elements 240A-B.)

In various embodiments of the claimed invention, web browser 200 receives indicia specifying a subset of said plurality of references. (See *e.g.*, page 36, ¶ 1113, lines 2-3 and Fig. 10, element 1010.) In various embodiments, web browser 200 receives a subset in the web page data (see *e.g.*, page 37, ¶ 1113, lines 3-4); web browser 200 receives a subset from a host in connection with a request for a web page (see *e.g.*, page 37, ¶ 1113, lines 5-6); web browser 200 receives a subset from another host unrelated to a request for a web page (see *e.g.*, page 37, ¶ 1113, lines 6-8); or web browser 200 receives a subset after a user action (see *e.g.*, page 37, ¶ 1113, lines 8-9). Web browser 200 automatically requests the web page data associated with said subset of said plurality of references. (See *e.g.*, page 37, ¶ 1113, lines 10-11 and Fig. 10, element 1020.)

In some embodiments of the claimed invention, web browser 200 renders the first web page data (as, for example, a first web page 215) in a first panel 210. (See *e.g.*, page 35, ¶ 1110, lines 1-2 and Fig. 4, element 450.) In some embodiments of the claimed invention, web browser 200 renders the web page data associated with the subset of the plurality of references in a second panel 220, 230. (See *e.g.*, page 37, ¶ 1113, lines 15-16 and Fig. 10, element 1040).

Claim 9

Claim 9 is directed to a method for web browsing. (See *e.g.*, page 4, ¶ 1011, line 1.) In some embodiments of the claimed invention, web browser 200 renders the first web page data (as, for example, a first web page 215) in a first panel 210. (See *e.g.*, page 35, ¶ 1110, lines 1-3 and Fig. 4, element 450.) The web page data includes a plurality of user selectable references, sometimes referred to as “hyperlinks.” Typically, each hyperlink is an embedded URL address to another web page. (See *e.g.*, page 12, ¶ 1042, lines 3-5, Fig. 2, element 240, Fig. 3, elements 240A-B.)

In some embodiments of the invention, web browser 200 allows a user to designate one or more of the references from among the plurality of user selectable references. (See *e.g.*, page 18, ¶ 1061, lines 1-5.) Web browser 200 automatically retrieves the web page data associated with the one or more references and renders them as web pages. (See *e.g.*, page 19, ¶ 1061, lines 11-13.)

Claim 16

Claim 16 is directed toward a graphic user interface for a web browser 200. (See *e.g.*, Fig. 2). According to some embodiments of the invention, web browser 200 includes a first panel 210 having a first web page 215 rendered therein from first web page data. (See *e.g.*, page 12, ¶ 1044, lines 1-5 and Fig. 2.) The web page includes a plurality of user selectable references, sometimes referred to as “hyperlinks.” Typically, each hyperlink 240 is an embedded URL address to another web page. (See *e.g.*, page 12, ¶ 1042, lines 3-5, and Fig. 2.)

Web browser 200 renders web pages in a second panel 220, 230 from web page data corresponding to the user selectable references selected by the user from a first panel 210. (See *e.g.*, page 18, ¶ 1061, lines 1-5, and page 19, ¶ 1061, lines 11-13.)

Claim 17

Claim 17 is directed toward a graphic user interface for a browsing room 300. (See *e.g.*, Fig. 3.) According to some embodiments of the invention, browsing room 300 includes a first wall 320 that includes a past web page 225 rendered thereon, a second wall that includes a current web page 215 rendered thereon, and a third wall 330. (See *e.g.*, page 23, ¶ 1072, lines 1-6 and Fig. 3.)

The current web page includes a plurality of user selectable hyperlinks 240. Typically, each hyperlink 240 is an embedded URL address to another web page. (See *e.g.*, page 12, ¶ 1042, lines 3-5, and Fig. 2.)

The third wall 330 includes a plurality of future web pages 235 rendered thereon, where the plurality of future web pages correspond to the hyperlinks selected by a user from among the plurality user selectable hyperlinks. (See *e.g.*, page 18, ¶ 1061, lines 1-5, and page 19, ¶ 1061, lines 11-13.)

Claim 20

Claim 20 is directed to a method for web browsing. (See *e.g.*, page 4, ¶ 1011, line 1.) In some embodiments of the invention, web browser 200 renders current web page data as a current web page 215 in a first panel 210. (See *e.g.*, page 35, ¶ 1110, lines 1-2, and Fig. 4, element 450.)

In various embodiments of the claimed invention, web browser 200 receives a reference to a first web page. (See *e.g.*, page 36, ¶ 1113, lines 2-3 and Fig. 10, element 1010.) In various embodiments, web browser 200 receives a reference in the current web page data (see *e.g.*, page 37, ¶ 1113, lines 3-4); web browser 200 receives a reference from a host in connection with a request for a web page (see *e.g.*, page 37, ¶ 1113, lines 5-6); web browser 200 receives a reference from another host unrelated

to a request for a web page (see e.g., page 37, ¶ 1113, lines 6-8); or web browser 200 receives a reference after a user action (see e.g., page 37, ¶ 1113, lines 8-9). In response to receiving the reference, web browser 200 requests the first web page data associated with the reference. (See e.g., page 37, ¶ 1113, lines 10-11 and Fig. 10, element 1020.)

In some embodiments of the claimed invention, web browser 200 receives and renders the first web page data associated with the received reference in a second panel 220, 230. (See e.g., page 37, ¶ 1113, lines 15-16 and Fig. 10, element 1040). The first panel and the second panel are contemporaneously viewable by the user. (See e.g., pages 7-8, ¶ 1020-1021, Fig. 2, and Fig. 3.)

Claim 44

Claim 44 is directed to a method for web browsing. (See e.g., page 4, ¶ 1011, line 1.) In some embodiments of the invention, web browser 200 renders a first web page 215 in a first panel 210 using first web page data. (See e.g., page 35, ¶ 1110, lines 1-2 and Fig. 4, element 450.) The first web page includes a plurality of user selectable references 240. Typically, each reference 240 is an embedded URL address to another web page. (See e.g., page 12, ¶ 1042, lines 3-5, and Fig. 2.)

In some embodiments of the invention, in response to a user designating a plurality of selected web pages from among said plurality of user selectable references, web browser 200 requests web page data associated with each of said plurality of selected references. (See e.g., page 18-19, ¶ 1061, lines 1-5 and 11-13.)

In some embodiments of the claimed invention, web browser 200 renders a web page corresponding to each of the requested web page data. (See e.g., page 37, ¶ 1113, lines 15-16, and Fig. 10, element 1040). The first panel and the rendered web pages corresponding to each of the requested web page data are contemporaneously displayed. (See e.g., pages 7-8, ¶ 1020-1021, Fig. 2, and Fig. 3).

Claim 47

Claim 47 is directed toward a method for bookmarking web pages in a web browser. (See *e.g.*, page 28, ¶ 1089, lines 1-3.) A bookmark may be used to store an entire scene rendered by the web browser. (See *e.g.*, page 28, ¶ 1089, line 3.) The scene includes a first web page (*e.g.*, current web page 215) and a second web page (*e.g.*, past web page 225, future web page 235). (See *e.g.*, page 28, ¶ 1089, lines 4-6, Fig. 2 and Fig. 3.)

The bookmark includes a first reference to the first web page and a second reference to the second web page so that the entire scene may be recreated. (See *e.g.*, page 17, ¶ 1058, lines 4-6.) The first web page and the second web page are contemporaneously displayed. (See *e.g.*, pages 7-8, ¶ 1020-1021, Fig. 2, and Fig. 3).

Claim 54

Claim 54 is directed to a method for web browsing. (See *e.g.*, page 4, ¶ 1011, line 1.) In some embodiments of the invention, web browser 200 renders a first web page 215 using first web page data. (See *e.g.*, page 35, ¶ 1110, lines 1-2 and Fig. 4, element 450.) The first web page includes a plurality of user selectable references 240 to additional web pages. Typically, each reference 240 is an embedded URL address to another web page. (See *e.g.*, page 12, ¶ 1042, lines 3-5, and Fig. 2.)

In some embodiments of the invention, web browser 200 receives a designation from a user corresponding to one of the plurality of user selectable references. (See *e.g.*, page 18, ¶ 1061, lines 1-5.)

In some embodiments of the claimed invention, web browser 200 requests and renders a web page corresponding to the one of the plurality of user selectable references. (See *e.g.*, page 37, ¶ 1113, lines 8-16 and Fig. 10, elements 1020 and 1040.) The first web page is contemporaneously displayed with the second web page. (See *e.g.*, pages 7-8, ¶ 1020-1021, Fig. 2, and Fig. 3.)

Grounds of Rejection to be Reviewed on Appeal - 37 C.F.R. § 41.37(c)(1)(vi)

1. Claims 1, 3, 6, 9-11, 14-16, 20-21, 26-28, 43-45, 47-52, 54-58, and 61-62 have been rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly being unpatentable over International Publication WO 97/29414 to AT&T Corp. ("AT&T") in view of U.S. Patent No. 6,133,916 to Bukszar *et al.* ("Bukszar"). See Final Action, pgs. 3-6.

2. Claims 17-19 have been rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly being unpatentable over AT&T in view of Bukszar and further in view of U.S. Patent No. 5,838,326 to Card *et al.* ("Card"). See Final Action, pgs. 6-7.

3. Claims 4-5, 7-8, 22-25, and 63-64 have been rejected by the Examiner under 35 U.S.C. § 103(a) as allegedly being unpatentable over AT&T in view of Bukszar and further in view of U.S. Patent No. 6,433,795 to MacNaughton *et al.* ("MacNaughton"). See Final Action, pgs. 7-8.

NOTES:

a) Appellants note that claims 1-3, 20-21, 26-28, and 39-40 have been rejected by the Examiner under the judicially created doctrine of double patenting over claims 1-41 of U.S. Patent No. 6,313,855 B1, since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. Appellants also note that claims 1-3, 20-21, 26-28, 39-40, and 47-53 have been rejected by the Examiner under the judicially created doctrine of double patenting over claims 1-68 of co-pending Application No. 09/985,415. Although Appellants disagree, Appellants do not appeal these rejections in the Appeal Brief. Rather, Appellants will file a terminal disclaimer once the extent of the otherwise patentable subject matter has been determined.

b) Appellants also note that claim 46 has been rejected by the Examiner under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to

particularly point out and distinctly claim the subject matter which Appellant regards as the invention. Appellants will attend to an amendment of claim 46 once the otherwise patentable subject matter has been determined.

Argument - 37 C.F.R. § 41.37(c)(1)(vii)

Claims 1, 3

As set forth above, the Examiner has rejected claims 1 and 3 as allegedly being unpatentable over AT&T Corp. in view of Bukszar. Appellants traverse these rejections because the combination of references relied upon by the Examiner does not teach or suggest the claimed invention. Appellants also traverse these rejections for at least the additional reason that AT&T is not properly combinable with Bukszar. Each of these shortcomings is discussed in further detail below.

The combination of AT&T with Bukszar does not teach or suggest "receiving indicia specifying a subset of said plurality of references," "automatically requesting web page data associated with said subset of said plurality of references," or "rendering additional web pages using said requested web page data in a second panel." Neither AT&T or Bukszar teach or suggest these aspects of the claim. Furthermore, the Examiner fails to address these claim features in the rejection. For at least this reason, the rejection of these claims is improper and must be withdrawn.

Appellants also traverse these rejections for at least the additional reason that AT&T is not properly combinable with Bukszar. In particular, one of ordinary skill in the art would not be motivated to combine the references in the manner set forth by the Examiner because AT&T teaches away from such a combination.

AT&T apparently identifies a problem with conventional web browsing:

A frustrating aspect of the information revolution is that the ease of accessing on-line material has not kept pace with the growth in the amount of material that is available. For example, advances in hardware, compression techniques, editing tools, and web browsers have facilitated the creation of material containing inlined images (images that appear on

a web page with text). Inlined images are a popular way in which to create eye-catching text and graphics that would be difficult or impossible to create using the capabilities of hypertext markup language (HTML). **However, accessing web pages with interesting inlined images typically involves browsing through web pages of material** by clicking on hypertext links. Although browsing in this way is often rewarding, it requires a good deal of attention on the part of the person who is browsing and **can be burdensome**. AT&T, page 1, lines 9-26, **emphasis added**.

AT&T apparently teaches a solution to this problem:

A technique ... for passively browsing the Internet or an intranet by **displaying images from web pages** on a user's display screen. The user can select an image by clicking on it using a pointer manipulated by a mouse or trackball. A mapping list is maintained that maps the image universal resource locator (URL) for each image to the URL of the web page containing the image. Using the mapping list, the user's web browser can be driven to the web page associated with the image selected by the user. AT&T, Abstract, **emphasis added**.

AT&T apparently further teaches that the solution "extracts embedded image URLs from the web pages" and displays the images for the user, (see e.g., AT&T at page 2, lines 30-33, and at page 3, lines 8-10) and that when the user selects one of the images, the full web page may be retrieved and displayed (see e.g., AT&T at page 3, lines 10-16). When read as a whole, AT&T apparently teaches that during browsing, it is desirable to render just the images from the multiple web pages rather than to render the web pages themselves.

The Examiner acknowledges that AT&T does not teach "rendering additional web pages" as recited in claim 1 because AT&T apparently teaches that only image data is rendered for the montage of AT&T. The Examiner contends, however, that rendering entire web pages was known in the art at the time of Applicant's invention as evidenced by Bukszar. The Examiner contends that it would have been obvious to:

modify the montage arrangement of AT&T, where linked 'web page' imagery is jointly displayed, to use the graphical representation of an entire 'web page' as per Bukszar, **the motivation being to create a fuller representation in the browser view of the overall context of history**

that is produce in the AT&T linked page view. Final Action, page 4, lines 12-16, emphasis in original, ***emphasis added***.

The motivation provided by the Examiner for combining AT&T with Bukszar is exactly contrary to the teachings of AT&T. In fact, AT&T ***teaches away from such a combination***. AT&T teaches that rendering just the image data from the web pages is preferable to rendering the entire web pages. Despite this, the Examiner is stating that one of ordinary skill would be motivated to do exactly the opposite of what AT&T clearly teaches. This is not appropriate.

As such, one of ordinary skill in the art would not be motivated to combine AT&T with a reference such as Bukszar, that teaches rendering all the web page data – not just the image data – because AT&T clearly ***teaches away from such a combination***. Thus, the combination of references relied upon by the Examiner to reject the claims is not proper and the Examiner has failed to set forth a *prima facie* case of obviousness. Accordingly, for at least this additional reason, the rejection of these claims must be withdrawn.

Claim 4

As set forth above, the Examiner has rejected claim 4 as allegedly being unpatentable over AT&T Corp. in view of Bukszar and further in view of MacNaughton. Claim 4 depends from and adds features to claim 1. For at least the reasons set forth above with regard to claim 1, the rejection of this claim is improper and must be withdrawn.

The Examiner contends that one of ordinary skill in the art would be motivated to combine the teachings of AT&T and Bukszar with those of MacNaughton because “anything to assist the user’s browsing experience will be a benefit, as in having the additional direction of MacNaughton.” Final Action, page 8, lines 13-15. Other than these assertions, there is no motivation from the references themselves to combine them in the manner suggested by the Examiner. The Examiner appears to be using impermissible hindsight to reconstruct the features of Appellants’ claimed invention

from a variety of otherwise unrelated references. Accordingly, for at least this additional reason, the rejection of these claims is improper and must be withdrawn.

In addition, the combination of references relied upon by the Examiner, even if proper, which Appellants maintain that it is not, does not teach or suggest all the features of the claimed invention. In particular, the Examiner contends that:

[I]t would also have been obvious ... to link the 'web page' 'panel' objects as seen in the AT&T/Bukszar combination **by 'references' found in places other than the content of the 'web page' or user selection**, using MacNaughton's technique of INTEGRATING related-but-disparate content. Final Action, page 8, lines 9-13, emphasis in original, **emphasis added**.

This, however, is not the claimed invention. As recited in the claim, the indicia specifies a subset of the plurality of references **found in the first web page data**. This differs from receiving references to content, as allegedly taught by MacNaughton, found outside the first web page data. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

In addition, claim 4 recites "receiving indicia specifying a subset of said plurality of references comprises receiving said indicia as **a prioritized list of references in said first web page data**." None of the references, alone or in combination with each other, teach or suggest this aspect of the claimed invention. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claim 5

As set forth above, the Examiner has rejected claim 5 as allegedly being unpatentable over AT&T Corp. in view of Bukszar and further in view of MacNaughton. Claim 5 depends from and adds features to claim 1. For at least the reasons set forth above with regard to claim 1, the rejection of this claim is improper and must be withdrawn.

In addition, as discussed above with respect to claim 4, the combination of references relied upon by the Examiner, even if proper, which Appellants maintain that

it is not, does not teach or suggest all the features of the claimed invention. In particular, the aspect of receiving references found in places other than the content of the web page as alleged by the Examiner is not the same as receiving indicia specifying a subset of the references found in the web page. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Also in addition, claim 5 recites "receiving indicia specifying a subset of said plurality of references comprises receiving said indicia as ***a prioritized list of references along with said first web page data.***" None of the references, alone or in combination with each other, teach or suggest this aspect of the claimed invention. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claim 6

As set forth above, the Examiner has rejected claim 6 as allegedly being unpatentable over AT&T Corp. in view of Bukszar and further in view of MacNaughton. Claim 6 depends from and adds features to claim 1. For at least the reasons set forth above with regard to claim 1, the rejection of this claim is improper and must be withdrawn.

In addition, as discussed above with respect to claim 4, the combination of references relied upon by the Examiner, even if proper, which Appellants maintain that it is not, does not teach or suggest all the features of the claimed invention. In particular, the aspect of receiving references found in places other than the content of the web page as alleged by the Examiner is not the same as receiving indicia specifying a subset of the references found in the web page. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Also in addition, claim 6 recites "receiving indicia specifying a subset of said plurality of references comprises ***receiving one or more user selected references designated by a user.***" None of the references, alone or in combination with each

other, teaches or suggests this aspect of the claimed invention. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claim 7

As set forth above, the Examiner has rejected claim 7 as allegedly being unpatentable over AT&T Corp. in view of Bukszar and further in view of MacNaughton. Claim 7 depends from and adds features to claim 1. For at least the reasons set forth above with regard to claim 1, the rejection of this claim is improper and must be withdrawn.

In addition, as discussed above with respect to claim 4, the combination of references relied upon by the Examiner, even if proper, which Appellants maintain that it is not, does not teach or suggest all the features of the claimed invention. In particular, the aspect of receiving references found in places other than the content of the web page as alleged by the Examiner is not the same as receiving indicia specifying a subset of the references found in the web page. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Also in addition, claim 7 recites "receiving indicia specifying a subset of said plurality of references comprises ***receiving said indicia as a prioritized list of references from a host associated with said first web page data.***" None of the references, alone or in combination with each other, teaches or suggests this aspect of the claimed invention. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claim 8

As set forth above, the Examiner has rejected claim 8 as allegedly being unpatentable over AT&T Corp. in view of Bukszar and further in view of MacNaughton. Claim 8 depends from and adds features to claim 1. For at least the reasons set forth above with regard to claim 1, the rejection of this claim is improper and must be withdrawn.

In addition, as discussed above with respect to claim 4, the combination of references relied upon by the Examiner, even if proper, which Appellants maintain that it is not, does not teach or suggest all the features of the claimed invention. In particular, the aspect of receiving references found in places other than the content of the web page as alleged by the Examiner is not the same as receiving indicia specifying a subset of the references found in the web page. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Also in addition, claim 8 recites "receiving indicia specifying a subset of said plurality of references comprises ***receiving one or more references designated by a third party.***" None of the references, alone or in combination with each other, teaches or suggests this aspect of the claimed invention. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 9-11, 14-15 and 43

As set forth above, the Examiner has rejected claims 9-11, 14-15 and 43 as allegedly being unpatentable over AT&T Corp. in view of Bukszar. Appellants traverse these rejections for at least the reason that AT&T is not properly combinable with Bukszar as discussed above. For at least this reason, the rejection of these claims is improper and must be withdrawn.

In addition, claim 9 recites "requesting web page data associated with each of a plurality of selected references designated by a user from among said plurality of user selectable references" where the plurality of user selectable references is included in the first web page. The Examiner does not allege, nor does AT&T in combination with Bukszar teach or suggest, that the "user-determined choices" (*i.e.*, the references designated by the user) are found in the web page. (See *e.g.*, Final Action, page 5, lines 14-16.) For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 10-11, 14-15, and 43 depend from and add features to claim 9. For at least the reasons set forth above with respect to claim 9, the rejection of these claims is improper and must be withdrawn.

Claim 16

As set forth above, the Examiner has rejected claim 16 as allegedly being unpatentable over AT&T Corp. in view of Bukszar. Appellants traverse these rejections for at least the reason that AT&T is not properly combinable with Bukszar as discussed above. For at least this reason, the rejection of this claim is improper and must be withdrawn.

In addition, claim 16 recites "a second panel having a plurality of selected web pages rendered therein, said plurality of selected web pages selected by a user from among said plurality of user selectable references" where the plurality of user selectable references is included in the first web page. As discussed above with respect to claim 9, the Examiner does not allege, nor does AT&T in combination with Bukszar teach or suggest, that the "user-determined choices" (*i.e.*, the references designated by the user) are found in the web page. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 17-19

As set forth above, the Examiner has rejected claim 17 as allegedly being unpatentable over AT&T Corp. in view of Bukszar and further in view of Card. Appellants traverse this rejection for at least the reason that AT&T is not properly combinable with Bukszar as discussed above. For at least this reason, the rejection of this claim is improper and must be withdrawn.

In addition, Appellants traverse this rejection for at least the reason that AT&T and Bukszar is not properly combinable with Card. The Examiner contends that one of ordinary skill in the art would be motivated to combine the teachings of AT&T and Bukszar with those of Card in order to "make the information more intuitively accessible

to the user, who must comprehend a number of related representations at one time.”
Final Action, page 7, lines 7-8. Other than these assertions, there is no motivation from the references themselves to combine them in the manner suggested by the Examiner. The Examiner appears to be using impermissible hindsight to reconstruct the features of Appellant’s claimed invention from a variety of otherwise unrelated references. Accordingly, for at least this additional reason, the rejection of these claims is improper and must be withdrawn.

In addition, claim 17 recites “said third wall includes a plurality of future web pages rendered thereon, said future web pages selected by a user from among said plurality of user selectable hyperlinks” where the plurality of user selectable hyperlinks is included in the current web page. As discussed above with respect to claim 9, the Examiner does not allege, nor does AT&T in combination with Bukszar teach or suggest, that the “user-determined choices” (*i.e.*, the hyperlinks selected by the user) are found in the current web page. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 18-19 depend from and add features to claim 17. For at least the reasons set forth above with respect to claim 17, the rejection of these claims is improper and must be withdrawn.

Claims 20-28 and 63-64

As set forth above, the Examiner has rejected claim 20 as allegedly being unpatentable over AT&T Corp. in view of Bukszar. Appellants traverse these rejections for at least the reason that AT&T is not properly combinable with Bukszar as discussed above. For at least this reason, the rejection of this claim is improper and must be withdrawn.

In addition, claim 20 recites:

rendering, in a first panel, a current web page from current web page data;

receiving a reference to a first web page;

in response to said receiving said reference, requesting first web page data using said reference;
receiving said first web page data; and
rendering said first web page in a second panel;
wherein said first panel and said second panel are contemporaneously viewable by a user.

The combination of references relied upon by the Examiner does not teach or suggest this particular combination of features. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 21-28 and 63-64 depend from and add features to claim 20. For at least the reasons set forth above with respect to claim 20, the rejection of these claims is improper and must be withdrawn.

Claims 47-52

As set forth above, the Examiner has rejected claim 47 as allegedly being unpatentable over AT&T Corp. in view of Bukszar. Appellants traverse this rejection for at least the reason that AT&T is not properly combinable with Bukszar as discussed above.

In addition, claim 47 recites storing a bookmark for a scene, where the scene includes a first web page and a second web page and the bookmark includes "a first reference to said first web page and a second reference to said second web page." Contrary to the Examiner's contention, Bukszar does not store a bookmark for a scene where the bookmark includes a first reference to said first web page and a second reference to said second web page as recited in claim 47. At best, Bukszar stores individual references to web pages, not collectively as a single bookmark. For at least this reason, the rejection of claim 47 is improper and must be withdrawn.

Claims 48-52 depend from and add features to claim 47. For at least the reasons set forth above with regard to claim 47, the rejections of these claims are improper and must be withdrawn.

Claims 54, 56, and 61

As set forth above, the Examiner has rejected claim 54 as allegedly being unpatentable over AT&T Corp. in view of Bukszar. Appellants traverse these rejections for at least the reason that AT&T is not properly combinable with Bukszar as discussed above. For at least this reason, the rejection of these claims is improper and must be withdrawn.

In addition, claim 54 recites "receiving a designation from a user corresponding to one of the plurality of user selectable references" where the plurality of user selectable references is included in the first web page and where the first web page is contemporaneously displayed with the second web page. The Examiner does not allege, nor does AT&T in combination with Bukszar teach or suggest, that the "user-determined choices" (*i.e.*, the designation from the user) are found in the first web page. (See *e.g.*, Final Action, page 5, lines 14-16) For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 56 and 61 depend from and add features to claim 54. For at least the reasons set forth above with respect to claim 54, the rejection of these claims is improper and must be withdrawn.

Claims 55, 57-58 and 62

Claim 55 depends from and adds features to claim 54. For at least the reasons set forth above with respect to claim 54, the rejection of this claim is improper and must be withdrawn.

In addition, claim 55 recites "receiving a designation from a user associated with a second one of the plurality of user selectable references" where the plurality of user selectable references is included in the first web page and where the first web page is contemporaneously displayed with the second web page and the third web page. The Examiner does not allege, nor does AT&T in combination with Bukszar teach or

suggest these additional aspects of the claimed invention. For at least this additional reason, the rejection of this claim is improper and must be withdrawn.

Claims 57-58 and 61 depend from and add features to claim 55. For at least the reasons set forth above with respect to claim 55, the rejection of these claims is improper and must be withdrawn.

Claims Appendix - 37 C.F.R. § 41.37(c)(1)(viii)

The pending claims (claims 1-28 and 39-64) are attached in **Appendix A**.

Evidence Appendix - 37 C.F.R. § 41.37(c)(1)(ix)

Appendix B: None.

Related Proceedings Appendix - 37 C.F.R. § 41.37(c)(1)(x)

Appendix C: None.

Conclusion

For at least the foregoing reasons, the rejection of claims 1-11, 14-28, 39-40, 43-45, 47-58 and 61-64 must be overturned and all the pending claims indicated as otherwise allowable upon the filing of a terminal disclaimer.

Date: January 13, 2006

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Appendix A: Claims Appendix

1. **(Original)** A method for browsing web pages comprising:
 receiving first web page data including a plurality of references, each of said plurality of references associated with web page data;
 receiving indicia specifying a subset of said plurality of references;
 rendering a first web page using said first web page data in a first panel;
 automatically requesting web page data associated with said subset of said plurality of references; and
 rendering additional web pages using said requested web page data in a second panel.
2. **(Original)** The method of claim 1, wherein said rendering a first web page comprises using a first web browsing engine to render said first web page; and
 wherein said rendering additional web pages comprises using a second web browsing engine.
3. **(Original)** The method of claim 1, wherein said rendering additional web pages comprises rendering each of said additional web pages as a thumbnail image in said second panel.
4. **(Original)** The method of claim 1, wherein said receiving indicia specifying a subset of said plurality of references comprises receiving said indicia as a prioritized list of references in said first web page data.
5. **(Original)** The method of claim 1, wherein said receiving indicia specifying a subset of said plurality of references comprises receiving said indicia as a prioritized list of references along with said first web page data.

6. **(Previously Presented)** The method of claim 1, wherein said receiving indicia specifying a subset of said plurality of references comprises receiving one or more user selected references designated by a user.

7. **(Original)** The method of claim 1, wherein said receiving indicia specifying a subset of said plurality of references comprises receiving said indicia as a prioritized list of references from a host associated with said first web page data.

8. **(Previously Presented)** The method of claim 1, wherein said receiving indicia specifying a subset of said plurality of references comprises receiving one or more references designated by a third party.

9. **(Previously Presented)** A method for browsing web pages comprising:
rendering a first web page in a first panel using first web page data, said first web page including a plurality of user selectable references to additional web pages;
requesting web page data associated with each of a plurality of selected references designated by a user from among said plurality of user selectable references; and
rendering a web page for each of said requested web page data.

10. **(Original)** The method of claim 9, wherein said rendering a web page for each of said requested web page data comprises rendering a web page for each of said requested web page data in a second panel.

11. **(Original)** The method of claim 9, wherein said rendering a web page for each of said requested web page data comprises rendering a web page for each of said requested web page data, each of said web pages rendered in a separate second panel.

12. **(Original)** The method of claim 9, wherein said rendering a first web page comprises rendering said first web page using a first web browsing engine; and
wherein said rendering a web page for each of said requested web page data comprises rendering said web page for each of said requested web page data using a second web browsing engine.

13. **(Original)** The method of claim 9, wherein said rendering a first web page comprises rendering said first web page using a first web browsing engine; and
wherein said rendering a web page for each of said requested web page data comprises rendering said web page for each of said requested web page data using a separate web browsing engine for each of said requested web page data.

14. **(Original)** The method of claim 10, wherein said rendering a web page for each of said requested web page data comprises rendering said web page as a thumbnail image for each of said requested web page data.

15. **(Original)** The method of claim 10, wherein said rendering a web page for each of said requested web page data comprises rendering said web page as a thumbnail image in a second panel for each of said requested web page data.

16. **(Original)** A graphic user interface comprising:
a first panel having a first web page rendered therein from first web page data, said first web page including a plurality of user selectable references to additional web page data; and
a second panel having a plurality of selected web pages rendered therein, said plurality of selected web pages selected by a user from among said plurality of user selectable references.

17. **(Original)** A graphic user interface comprising:
a room in a three-dimensional space, said room having a first wall, a second wall, and a third wall,
wherein said first wall includes a past web page rendered thereon,
wherein said second wall includes a current web page rendered thereon, said current web page including a plurality of user selectable hyperlinks; and
wherein said third wall includes a plurality of future web pages rendered thereon, said future web pages selected by a user from among said plurality of user selectable hyperlinks.
18. **(Original)** The graphic user interface of claim 17, wherein said room is navigable in said three dimensional space.
19. **(Original)** The graphic user interface of claim 17, wherein when a user selects one of said plurality of future web pages on said third wall, said selected one of said plurality of future web pages is rendered on said second wall thereby becoming a new current web page.
20. **(Previously Presented)** A method for browsing web pages comprising:
rendering, in a first panel, a current web page from current web page data;
receiving a reference to a first web page;
in response to said receiving said reference, requesting first web page data using said reference;
receiving said first web page data; and
rendering said first web page in a second panel;
wherein said first panel and said second panel are contemporaneously viewable by a user.

21. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving, in said current web page data, said reference to said first web page.

22. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving, independently from said current web page data, said reference to said first web page.

23. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving said reference to said first web page from a host.

24. **(Original)** The method of claim 23, wherein said receiving a reference to a first web page comprises receiving said reference to said first web page from a host associated with said current web page.

25. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving said reference to said first web page, wherein said first web page includes content similar to content included in said current web page.

26. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving said reference to said first web page, wherein said first web page and said current web page are provided from a single web site.

27. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving said reference to said first web page, wherein said first web page and said current web page are provided from separate web sites.

28. **(Original)** The method of claim 20, wherein said receiving a reference to a first web page comprises receiving information regarding positioning of said first web page in said second panel.

Claims 29-38 (Cancelled)

39. **(Previously Presented)** The method of claim 1, wherein said rendering a first web page comprises using a first web browsing engine to render said first web page; and

wherein said rendering additional web pages comprises using at least one second web browsing engine.

40. **(Previously Presented)** The method of claim 1, wherein said rendering a first web page comprises using a first instance of a web browsing engine to render said first web page; and

wherein said rendering additional web pages comprises using at least one second instance of said web browsing engine.

41. **(Previously Presented)** The method of claim 9, wherein said rendering a first web page comprises rendering said first web page using a first instance of a web browsing engine; and

wherein said rendering a web page for each of said requested web page data comprises rendering said web page for each of said requested web page data using a second instance of said web browsing engine.

42. **(Previously Presented)** The method of claim 9, wherein said rendering a first web page comprises rendering said first web page using a first instance of a web browsing engine; and

wherein said rendering a web page for each of said requested web page data comprises rendering said web page for each of said requested web page data using a separate instance of said web browsing engine for each of said requested web page data.

43. **(Previously Presented)** The method of claim 9, wherein said first web page and said web pages rendered from each of said requested web page data are contemporaneously displayed.

44. **(Previously Presented)** A method for browsing web pages comprising:
rendering a first web page in a first panel using first web page data, said first web page including a plurality of user selectable references to additional web pages;
in response to a user designating a plurality of selected web pages from among said plurality of user selectable references, requesting web page data associated with each of said plurality of selected references; and
rendering a web page corresponding to each of said requested web page data, wherein said first web page in said first panel is contemporaneously displayed with said rendered web pages corresponding to each of said requested web page data.

45. **(Previously Presented)** The method of claim 44, further comprising:
in response to a user selecting another one of said plurality of references, requesting another web page data associated with said selected another one of said plurality of references; and
rendering another web page using said another web page data, wherein said first web page in said first panel is contemporaneously displayed with said second web page and said another web page.

46. **(Previously Presented)** The method of claim 44, wherein said rendering a first web page comprises using a first instance of a web browsing engine to render said first web page; and
wherein said rendering a second web page comprises using a second instance of said web browsing engine.

47. **(Previously Presented)** A method for bookmarking web pages in a web browser comprising:

storing a bookmark for a scene rendered by the web browser, said scene including a first web page and a second web page, said bookmark including a first reference to said first web page and a second reference to said second web page; and
in response to a user selecting said stored bookmark, recalling said scene by retrieving said first web page using said first reference and by retrieving said second page using said second reference; and
contemporaneously displaying said first web page and said second web page.

48. **(Previously Presented)** The method of claim 47, wherein said first web page is displayed in a first panel and wherein said second web page is displayed in a second panel.

49. **(Previously Presented)** The method of claim 47, further comprising storing first web page data associated with said first web page, and
wherein said first reference includes a reference to said stored first web page data.

50. **(Previously Presented)** The method of claim 49, wherein said storing first web page data associated with said first web page comprises storing a local copy of said first web page data, and
wherein said first reference includes a references to said stored local copy of said first web page data.

51. **(Previously Presented)** The method of claim 47, wherein said retrieving said first web page using said first reference comprises requesting first web page data using said first reference and rendering said first web page using said requested first web page data.

52. **(Previously Presented)** The method of claim 51, wherein said retrieving said second web page using said second reference comprises requesting second web page

data using said second reference and rendering said second web page using said requested second web page data.

53. **(Previously Presented)** The method of claim 51, wherein said first web page is rendered by a first instance of a web browsing engine and wherein said second web page is rendered by a second instance of said web browsing engine.

54. **(Previously Presented)** A method for browsing web pages comprising:
rendering a first web page using first web page data, said first web page including a plurality of user selectable references to additional web pages;
receiving a designation from a user corresponding to one of the plurality of user selectable references;
requesting second web page data associated with said one of the plurality of selected references; and
rendering a second web page using said second web page data,
wherein said first web page is contemporaneously displayed with said second web page.

55. **(Previously Presented)** The method of claim 54, further comprising:
receiving a designation from a user associated with a second one of the plurality of user selectable references;
requesting third web page data associated with said second one of the plurality of selected references; and
rendering a third web page using said third web page data,
wherein said first web page is contemporaneously displayed with said second web page and said third web page.

56. **(Previously Presented)** The method of claim 54, wherein said first web page is rendered in a first panel, and wherein said second web page is rendered in a second panel.

57. **(Previously Presented)** The method of claim 55, wherein said first web page is rendered in a first panel, wherein said second web page is rendered in a second panel, and said third web page is rendered in said second panel.

58. **(Previously Presented)** The method of claim 55, wherein said first web page is rendered in a first panel, wherein said second web page is rendered in a second panel, and said third web page is rendered in a third panel.

59. **(Previously Presented)** The method of claim 54, wherein said rendering a first web page comprises rendering said first web page using a first web browsing engine, and

wherein said rendering a second web page comprises rendering said second web page using a second web browsing engine.

60. **(Previously Presented)** The method of claim 55, wherein said rendering a first web page comprises rendering said first web page using a first web browsing engine,

wherein said rendering a second web page comprises rendering said second web page using a second web browsing engine, and

wherein said rendering a third web page comprises rendering said third web page using a third web browsing engine.

61. **(Previously Presented)** The method of claim 54, wherein said rendering a second web page using said second web page data comprises rendering said second web page as a thumbnail image.

62. **(Previously Presented)** The method of claim 55, wherein said rendering a second web page using said second web page data comprises rendering said second web page as a thumbnail image, and

wherein said rendering a third web page using said third web page data comprises rendering said third web page as a thumbnail image.

63. **(Previously Presented)** The method of claim 20, further comprising:
receiving advertising data; and
rendering said advertising data in a third panel,
wherein said first panel, said second panel and said third panel are contemporaneously viewable by the user.
64. **(Previously Presented)** The method of claim 20, wherein said third panel displays advertising that would otherwise be displayed in said first panel.

Appendix B: *Evidence Appendix*

None.

Appendix C: *Related Proceedings Appendix*

None.